

UNAPPROVED DRAFT
BOARD OF DENTISTRY
MINUTES
SPECIAL CONFERENCE COMMITTEE
CALLED MEETING

TIME AND PLACE: A Special Conference Committee of the Virginia Board of Dentistry convened on February 29, 2008 at 9:12 a.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, VA 23233.

PRESIDING: Paul N. Zimmet, D.D.S.

MEMBERS PRESENT: Jacqueline G. Pace, R.D.H.
Edward P. Snyder, D.D.S.

STAFF PRESENT: Alan Heaberlin, Deputy Director
Cheri Emma-Leigh, Operations Manager
Cynthia E. Gaines, Adjudication Specialist

OTHERS PRESENT: William Clay Garrett, Assistant Attorney General
Sasha M. Ulloa, Court Reporter, Esquire Deposition Services

QUORUM: All three members of the Committee were present.

Jeffrey R. Leidy, D.D.S.
Case Nos. 85031, 86222
and 99984

As a preliminary matter, Dr. Zimmet stated that in light of the many objections received about this proceeding, the only allegations contained in the Notice of Informal Conference that will be addressed are allegations 1 and 2, which are matters that have not been addressed previously in an informal conference. Allegations 3 and 4, which pertain to matters that were previously addressed by this Committee, do not clearly set forth any additional matters not previously addressed. Therefore, allegations 3 and 4 will not be addressed in this proceeding.

Jeffrey R. Leidy, D.D.S. appeared with counsel, Mary Jane Hall, Esquire and Ken Stolle, Esquire, to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that,

1. On or about September 25, 2001, he began orthodontic treatment on Patient E, which he required

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Patient E's mother to pay in full prior to placing the braces. Patient E's mother was notified by her insurance carrier that she should not have paid for her daughter's treatment in advance, and that she overpaid Dr. Leidy in the amount of \$2,300.00. When Dr. Leidy refused to issue a refund, Patient E's mother sought relief by filing a Warrant In Debt, which was settled out of court.

2. On or about July 31, 2002, Patient F consulted with him for a full mouth restoration, with an agreed upon price of \$18,000.00. Treatment began on or about December 3, 2003 and was completed on or about February 18, 2004. On or about December 3, 2003, Patient F paid a down payment of \$8,000.00 and two additional payments on December 22, 2003, in the amount of \$5,000.00; and January 14, 2004 in the amount of \$5,500.00, total amount paid \$18,500.00. On or about September 28, 2004, Dr. Leidy filed a Warrant In Debt against Patient F in the amount of \$10,295.00. A review of Patient F's account found that his total bill for the restoration was \$16,200.00. Dr. Leidy withdrew the Warrant In Debt, but his records indicate that Patient F has a credit on his account for \$500.00, which appears to not have been refunded.

The Committee received statements from Dr. Leidy and discussed the evidence in the case with him.

Closed Meeting:

Dr. Snyder moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Jeffrey R. Leidy, D.D.S. Additionally, Dr. Snyder moved that Board staff, Alan Heaberlin and Cheri Emma-Leigh, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Snyder moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

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The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

DECISION:

Mr. Heaberlin read the Findings of Fact and Conclusions of Law as adopted by the Committee as follows:

1. Dr. Leidy holds a current Virginia dental license.
2. Allegation number 1 in the Notice of Informal Conference was dismissed.
3. Dr. Leidy violated §§ 54.1-2706(4) and (9) of the Code, and 18 VAC 60-20-170(1) and (4) of the Regulations, in that on or about July 31, 2002, Patient F consulted with him for a full mouth restoration, with an agreed upon price of \$18,000.00. Treatment began on or about December 3, 2003 and was completed on or about February 18, 2004. On or about December 3, 2003, Patient F paid a down payment of \$8,000.00 and two additional payments on December 22, 2003, in the amount of \$5,000.00 and on January 14, 2004, in the amount of \$5,500.00, total amount paid \$18,500.00. On or about September 28, 2004 in an attempt to defraud or deceive Patient F, under the direction of Dr. Leidy, Mill Dam Dental Care filed a Warrant in Debt against Patient F in the amount of \$10, 295.00.

The sanctions reported by Mr. Heaberlin were that Dr. Leidy be issued a reprimand, be assessed a monetary penalty of \$1,000.00, be required to complete four (4) continuing education hours in recordkeeping, and be subjected to an audit of ten (10) random patient records, including all financial records.

Dr. Snyder moved that the Committee adopt the Findings of Fact and Conclusions of Law, and Sanctions imposed as reported by Mr. Heaberlin. The motion was seconded and passed.

As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Leidy unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Leidy. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the

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decision of the Committee shall be vacated.

ADJOURNMENT:

With all business concluded, the Committee adjourned at
12:32 p.m.

Paul N. Zimmet, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date